

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
-vs-)	NO. CR-14-003-001-D
)	
HORACIO GARCIA, JR., and)	
NATHAN RILEY,)	
)	
Defendants.)	

FINAL ORDER OF FORFEITURE

This cause comes before the Court on Plaintiff's Motion for a Final Order of Forfeiture [Doc. No. 61]. The Court finds:

Pursuant to 18 U.S.C. § 924(d), 28 U.S.C. § 2461(c), and Rule 32.2(b)(2), Federal Rules of Criminal Procedure, this Court entered a Preliminary Order of Forfeiture based on Defendants' guilty pleas providing for the forfeiture of all right, title and interest in the following property to the United States, and the Court's finding of requisite nexus between the property and the offenses committed by Defendants:

1. Colt Model 1911A1, .45 caliber pistol, bearing serial number 2775913;
2. Smith & Wesson .22 caliber revolver, bearing serial number 221453; and
3. Any and all ammunition.

The Preliminary Order of Forfeiture directed the government to provide notice to any persons known to assert an interest, as well as publishing notice stating the intent of the United States to dispose of the property in accordance with the law and further notifying all

third parties of their right to petition the Court within 30 days for a hearing to adjudicate the validity of their alleged legal interest in the property.

Notice of this forfeiture and the requirements for filing a claim for the property was published on the government's website at www.forfeiture.gov for 30 consecutive days beginning on August 21, 2014, and ending on September 19, 2014, for at least 18 hours per day, as set forth in the Declaration of Publication attached to the Motion. Copies of the Preliminary Order of Forfeiture and the Notice of Forfeiture were also provided to the following parties who may have had an interest in the property as follows:

- a) delivery of notice to Joseph L. Ashbaker, Jr, counsel for Defendant Garcia, by certified mail, return receipt number 7011 500 0001 0778 6709 on May 14, 2014;
- b) delivery of notice to Defendant Horacio Garcia, Jr. at the Grady County Jail by personal service via the U.S. Marshals Service on April 10, 2014;
- c) delivery of notice to Lance B. Phillips, counsel for Defendant Riley, by certified mail, return receipt number 7011 3500 0001 0778 6587, on April 8, 2014; and
- d) delivery of notice to Defendant Nathan Riley at the Grady County Jail by personal service via the U.S. Marshals Service on April 10, 2014.

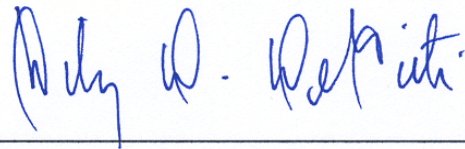
It appears from the case record that no third parties have asserted any interest in the property described in the Preliminary Order of Forfeiture.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the right, title and interest to the above-described property is hereby condemned, forfeited, and vested in the United States of America free and clear of the claims of any person, including Horacio

Garcia, Jr. and Nathan Riley, and shall be disposed of according to law. Upon entry of this Final Order of Forfeiture, the United States Marshals Service or other appropriate agency is directed to deliver the above-described property to the United States of America for disposition according to law.

IT IS FURTHER ORDERED that the Court shall retain jurisdiction in the case for the purposes of enforcing this Order.

IT IS SO ORDERED this 10th day of October, 2014.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE